

REMARKS:

I. Introduction

In an Office Action mailed on October 2, 2008, the Examiner rejected claims 1 to 9. The present amendment cancels no claims, amends claims ____, and adds no new claims. Accordingly, claims 1 to 9 remain pending in this application.

II. Claim Rejections Pursuant to 35 U.S.C 112

The Examiner rejected claims 6 and 9 pursuant to 35 U.S.C 112, second paragraph, as indefinite. Claims 6 and 9 have been amended to delete the “whereby” clauses. Reconsideration and withdrawal of the rejection is requested.

III. Claim Rejections Pursuant to 35 U.S.C 102

Examiner rejected claims 1 and 4 to 6 pursuant to 35 U.S.C 102(b) as anticipated by **Owen et al.** (US 6,148,233).

Independent claims 1 and 7 have each been amended to include:

- (a) that the defibrillator has means operative when the connector is electrically connected to the defibrillator housing and the electrode is stowed at the stowage location to prevent the application of battery power to the defibrillator circuitry, and
- (b) that the defibrillator has means for automatically connecting battery power to the defibrillator circuitry upon removal and deployment of the electrode from the stowage location.

Feature (a) is clearly supported by the embodiments of Figures 7 to 9 wherein a pin 56 prevents completion of the power circuit until at least one electrode 14 is removed from its stowage location against the housing, despite the connector 22 being electrically connected to the defibrillator socket 28. Similarly, in the embodiment of Figures 11 to 19, battery power is prevented from being applied to the defibrillator until a frangible link 41 is broken by removal and deployment of the electrodes 14, again despite the connector (battery housing) 102 being slid onto the defibrillator housing so that the electrodes 20, 26 engage the electrodes 30.

Feature (b) makes it clear that “deployment” entails removal of the electrode(s) from the stowage location. This is clearly disclosed in the foregoing embodiments.

The effect of the subject matter of the amendments is that the defibrillator is designed in such a way that, even though the battery connector of the electrode assembly is electrically connected to the defibrillator, no power can be supplied to the defibrillator circuitry until the electrodes are removed from their storage location and deployed.

This is not described or suggested by Owen et al. or Picardo et al, individually or in combination.

In Owen an electrode harness 4 (Figure 3) includes a battery 20 and a connector 21 by which the harness can be electrically connected to a defibrillator 10 – see, for example, col. 8 lines 30-34, col. 9 lines 63-66 and Fig. 17. Owen refers at several places to “power-on” with regard to the defibrillator, but no indication is given as to how this occurs. The normal assumption would be that there must be an on-off power switch somewhere on the defibrillator. In any event, it cannot be inferred, and Owen in no way suggests, that power-on occurs in response to the removal and deployment of the electrodes from a stowage location; indeed, in Owen the electrodes 31 do not appear to have a defined stowage position.

In Picardo an object 20 is removed from, or in an alternative embodiment inserted into, a receptacle 30 in a defibrillator housing 40 to turn on the defibrillator. The object 20 is completely independent of the electrodes 28, Figure 2. The electrodes do not form part of an assembly including a battery, as required by claim 1, because the battery (power supply) is in the defibrillator separate from the electrodes. Further, the electrodes are not described as having a defined stowage position and in any event they are not coupled in any way to the object 20.

Thus neither Owen nor Picardo describes or suggests the invention as claimed in amended claims 1 and 7. In the light of the foregoing we submit that the claims are patentably distinguished over the cited art. Reconsideration and withdrawal of the rejection is requested.

IV. Claim Rejections Pursuant to 35 U.S.C 103

The Examiner rejected claims 2, 3, and 7 to 9 pursuant to 35 U.S.C 103(a) as unpatentable over **Owen et al.** (US 6,148,233) in view of **Picardo et al.** (US 6,556,864).

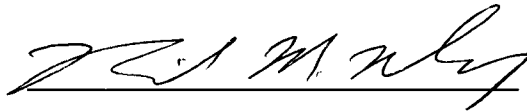
Dependent claims 2 and 3 are allowable as depending from allowable independent claim 1 as described in detail hereinabove. Independent claim 7 and claims 8 and 9 dependent

therefrom, are allowable for the same reasons as independent claim 1 described in detail hereinabove. In the light of the foregoing we submit that the claims are patentably distinguished over the cited art. Reconsideration and withdrawal of the rejection is requested.

V. Conclusion

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the Examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. M. Mescher', written over a horizontal line.

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